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5 June 2017

Mr Chris Carr  
Director of Better Regulation - BEIS

Dear Mr Carr,

#### PPP REFIT

The Food & Biocides Industry Group (FBIG) comprises more than 15 UK trade and professional organisations covering the entire food chain.

**We are aware of submission XI.10.a by the REFIT Platform Stakeholder Group on “Multiple use/Multiple source substances – Chlorate” (enclosed). FBIG fully supports this submission and urges British competent authorities to express support for it during the REFIT Platform meeting on 7 June 2017.**

The proposal addresses a number of concerns that industry and enforcement authorities in Europe have expressed over the years with regards to the current European pesticide legislation and the unintended consequences it produces.

Specifically, the current definition of a “pesticide residue” is too broad and introduces challenges with regards to food safety. At present, the definition states that pesticide residues are: “Residues, including active substances, metabolites and/or breakdown or reaction products of active substances currently used in plant protection products as defined in article 2, point 1 of Directive 91/414/EEC, which are present in or on the products covered by Annex I to this Regulation, including in particular those which may arise as a result of use in plant protection, in veterinary medicine and as a biocide.”

Due to this definition, industry and authorities have been struggling with the issue of illegal levels of chlorate found in food, as recognised and supported by the recently published Commission’s guidance on addressing microbiological risks in fresh fruit and vegetable production. The source of chlorates is either the use of disinfectants or the use of chlorinated water, both of which are crucial for ensuring the microbiological safety of the food. Chlorate presence is never the result of an illegal use of pesticides containing this substance. However, it is currently included in the pesticide legislation due to its former use as a pesticide. The use of chlorate as a pesticide was banned in 2008 in the EU and the 0.01 mg/kg default MRL applies, although it has been agreed that it will not be enforced in the absence of agreement of commodity-based MRLs.

**We fully support the proposal to simplify the definition to only include residues of active substances used as plant protection products, their metabolites and/or reaction products.** Residues from veterinary drugs should only be covered by Regulation (EU) No 37/2010, from contaminants by Regulation (EEC) No 315/93 and Regulation (EC) 1881/2006, from biocides by Regulation (EU) No 528/2012, from additives by Regulation (EC) No 1333/2008 and from flavourings by Regulation (EC) No 1334/2008.

If the source is unknown, an assessment should be carried out on the risk that the residue poses to consumers.

Cleaning agents and disinfectants are an essential component of Good Manufacturing Practice and the food industry has used these and continues to use these in a responsible manner. They control microbial, viral and parasitic growth, and as such are essential for ensuring food safety.

Yours sincerely,

**KAARIN GOODBURN MBE**

Cc: Mr Pierre Cruse and Mr Russell Wedgbury

HSE